

Chapter 4

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The past few years have seen significant actions that impact groundwater management in California. Below are several examples of recent actions including legislation, ballot measures, and executive orders that show the State Legislature and the citizens of California clearly recognize the importance of groundwater and its appropriate management in meeting the present and future water supply needs of the State.

Safe Drinking Water, Clean Water, Watershed Protection and Flood Protection Act of 2000 (Proposition 13)

On March 7, 2000, California voters approved a \$1.97-billion general obligation bond known as the Safe Drinking Water, Clean Water, Watershed Protection and Flood Protection Act (Proposition 13). Of the nearly \$2 billion, \$230 million was earmarked for groundwater programs. The act authorizes \$200 million for grants for feasibility studies, project design, and construction of conjunctive use facilities (Water Code, § 79170 et seq.) and \$30 million in loans for local agency acquisition and construction of groundwater recharge facilities and feasibility study grants for projects potentially eligible for the loan program (Water Code, § 79161 et seq.). More than \$120 million have been awarded in grants and loans to local agencies in the first two years of implementation of these programs.

California Bay-Delta Record of Decision

The goal of the California Bay-Delta (formerly CALFED) program is to restore ecosystem health and improve water management in the Bay-Delta system. The program has four primary objectives:

- Provide good water quality for all beneficial uses
- Improve and increase aquatic and terrestrial habitats and improve ecological functions in the Bay-Delta to support sustainable populations of diverse and valuable plant and animal species
- Reduce the mismatch between Bay-Delta water supplies and current and projected beneficial uses dependent on the Bay-Delta system
- Reduce the risk to land use and associated economic activities, water supply, infrastructure, and the ecosystem from catastrophic breaching of Delta levees

The Record of Decision (ROD), released in August 2000, sets forth a 30-year plan to address ecosystem health and water supply reliability problems in the Bay-Delta system. The ROD lays out specific actions and investments over the first seven years to meet program goals. Most important, with respect to groundwater is the California Bay-Delta program's commitment to local groundwater management. The ROD states, "CALFED will work with local governments and affected stakeholders to develop legislation to strengthen AB 3030 and provide technical and financial incentives to encourage more effective basin-wide groundwater management plans..." (CALFED 2000). The ROD encourages basin management that is developed at the subbasin level so that it addresses local needs, but is coordinated at the basin-wide level so that it considers impacts to other users in the basin. The ROD also commits Bay-Delta agencies to "facilitate and fund locally supported, managed, and controlled groundwater and conjunctive use projects with a total of 500,000 acre-feet to 1 million acre-feet (maf) of additional storage capacity by 2007" (CALFED 2000).

Local Groundwater Management Assistance Act of 2000 (AB 303, Water Code Section 10795 et seq.)

The goal of the Local Groundwater Management Assistance Act is to help local agencies better understand how to manage groundwater resources effectively to ensure the safe production, quality, and proper storage of groundwater in the State. The act created the Local Groundwater Assistance Fund, which must be appropriated annually. In three years, more than \$15 million in grants were awarded for 71 projects. Grants went to local agencies for groundwater studies and projects that contribute to basin and subbasin management objectives, including but not limited to groundwater monitoring and groundwater basin management. Grants are available to all geographic areas of the State. This act serves to emphasize that groundwater is recognized as an important local resource and, to the extent that groundwater is properly managed at the local level, serves to benefit all Californians.

Groundwater Quality Monitoring Act of 2001 (AB 599, Water Code Section 10780 et seq.)

Assembly Bill 599, known as the Groundwater Quality Monitoring Act of 2001, set a goal to establish comprehensive groundwater monitoring and increase the availability of information about groundwater quality to the public. The objective of the program is to highlight those basins in which contamination has occurred or is likely to occur and provide information that will allow local managers to develop programs to curtail, treat, or avoid additional contamination. The act required the State Water Resources Control Board (SWRCB), in coordination with an Interagency Task Force (ITF) and a Public Advisory Committee (PAC), to integrate existing monitoring programs and design new program elements, as necessary, to establish a comprehensive statewide groundwater quality monitoring program.

Through the ITF and PAC, the Comprehensive Groundwater Quality Monitoring Program was developed. The program will seek to:

- Accelerate the monitoring and assessment program already established by the SWRCB,
- Implement monitoring and assessment in accordance with a prioritization of basins/subbasins,
- Increase coordination and data sharing among groundwater agencies, and
- Maintain groundwater data in a single repository to provide useful access by the public while maintaining appropriate security measures.

The Comprehensive Groundwater Quality Monitoring Program is expected to provide the following key benefits:

- A common base communications medium for agencies to utilize and supply groundwater quality data at multiple levels,
- A mechanism to unite local, regional and statewide groundwater programs in a common effort,
- Better understanding of local, regional and statewide water quality issues and concerns that in turn can provide agencies at all levels with better information to deal with the concerns of consumers and consumer advocate groups,
- Groundwater agencies with trend and long-term forecasting information, essential for groundwater management plan preparation and implementation, and
- The motivation for small- and medium-sized agencies to begin or improve their own groundwater monitoring and management programs.

Water Supply Planning

Three bills enacted by the Legislature to improve water supply planning processes at the local level became effective January 1, 2002. In general, the new laws are intended to improve the assessment of water supplies during the local planning process before land use projects that depend on water are approved. The new laws require the verification of sufficient water supplies as a condition for approving developments, and they compel urban water suppliers to provide more information on the reliability of groundwater if used as a supply.

SB 221 (Bus. and Prof. Code, § 11010 as amended; Gov. Code, § 65867.5 as amended; Gov. Code, §§ 66455.3 and 66473.7) prohibits approval of subdivisions consisting of more than 500 dwelling units unless there is verification of sufficient water supplies for the project from the applicable water supplier(s). This requirement also applies to increases of 10 percent or more of service connections for public water systems with less than 500 service connections. The law defines criteria for determining “sufficient water supply,” such as using normal, single-dry, and multiple-dry year hydrology and identifying the amount of water that the supplier can reasonably rely on to meet existing and future planned uses. Rights to extract additional groundwater must be substantiated if used for the project.

SB 610 (Water Code, §§ 10631, 10656, 10910, 10911, 10912, and 10915 as amended; Pub. Resources Code, § 21151.9 as amended) and AB 901 (Water Code, §§ 10610.2 and 10631 as amended; Water Code § 10634) make changes to the Urban Water Management Planning Act to require additional information in Urban Water Management Plans (UWMP) if groundwater is identified as a source available to the supplier. Required information includes a copy of any groundwater management plan adopted by the supplier, proof that the developer or agency has rights to the groundwater, a copy of the adjudication order or decree for adjudicated basins, and if not adjudicated, whether the basin has been identified as being overdrafted or projected to be overdrafted in the most current DWR publication on the basin. If the basin is in overdraft, the UWMP must include current efforts to eliminate any long-term overdraft. A key provision in SB 610 requires that any project subject to the California Environmental Quality Act supplied with water from a public water system be provided a water supply assessment, except as specified in the law. AB 901 requires the plan to include information relating to the quality of existing sources of water available to an urban water supplier over given periods and include the manner in which water quality affects water management strategies and supply reliability.

Emergency Assistance to the Klamath Basin

On May 4, 2001, the Governor proclaimed a State of Emergency in the Klamath Basin in Siskiyou and Modoc counties. The proclamation included disaster assistance of up to \$5 million under authority of the State Natural Disaster Assistance Act. This assistance went directly into constructing wells to extract groundwater for use on cover crops to avoid loss of critical topsoil. The Governor’s proclamation also included \$1 million for a study of the Klamath River Basin to determine the long-term water supply in the California portion of the basin.

Governor’s Drought Panel

The Governor’s Advisory Drought Planning Panel was formed in 2000 to develop a contingency plan to address the impacts of critical water shortages in California. The panel formed with the recognition that critical water shortages may severely impact the health, welfare, and economy of California. Panel recommendations included securing funding for the Local Groundwater Management Assistance Act (described above), continued support of critical groundwater monitoring in basins with inadequate data, and the formation of a technical assistance and education program for “rural homeowners and small domestic water systems relying on self-supplied groundwater” (GADPP 2000).

Sacramento Valley Water Management Agreement

On May 22, 1995, SWRCB adopted the “Water Quality Control Plan for the San Francisco Bay/Sacramento San Joaquin Delta Estuary” (the 1995 WQCP). Following this action, SWRCB initiated a water rights hearing process with the intent of allocating responsibility for meeting the standards of the 1995 WQCP among water right holders in areas tributary to the Delta. The water rights hearing was conducted in phases with all phases being resolved with the exception of Phase 8, which involved water rights holders in the Sacramento Valley.

Proceeding with Phase 8 may have involved litigation and judicial review for years. That extended process could have resulted in adverse impacts to the environment and undermined progress on other statewide water management initiatives. To avoid the consequences of delay, the Sacramento Valley Water Users, DWR, the U.S. Bureau of Reclamation (USBR), and export water users developed the Sacramento Valley Water Management Agreement. The agreement became effective April 20, 2001. At that time SWRCB issued an order staying the Phase 8 hearing for 18 months. The parties negotiated a short-term settlement agreement that obligated DWR and USBR to continue to fully meet the Bay-Delta water quality standards while providing for the development of conjunctive use and system improvement projects by participating upstream water rights holders that would make water available to help meet water quality standards while improving the reliability of local water supplies. SWRCB has subsequently dismissed the Phase 8 proceedings, and work is being undertaken on both short-term and long-term activities included in the Sacramento Valley Water Management Agreement.

Groundwater Management Water Code Amendments

In September 2002, SB 1938 (Water Code, § 10753.4 and § 10795.4 as amended; Water Code, § 10753.7, § 10753.8 and § 10753.9 as amended and renumbered; Water Code, § 10753.1 and § 10753.7 as added) was signed into law. The act amends existing law related to groundwater management by local agencies. The law requires any public agency seeking State funds administered through DWR for the construction of groundwater projects or groundwater quality projects to prepare and implement a groundwater management plan with certain specified components. Prior to this, there were no required plan components. New requirements include establishing basin management objectives, preparing a plan to involve other local agencies in a cooperative planning effort, and adopting monitoring protocols that promote efficient and effective groundwater management. The requirements apply to agencies that have already adopted groundwater management plans as well as agencies that do not overlie groundwater basins identified in Bulletin 118 and its updates when these agencies apply for state funds. The requirements do not apply to funds administered through the AB 303-Local Groundwater Management Assistance Act (Water Code, § 10795 et seq.) or to funds authorized or appropriated prior to September 1, 2002. Further discussion of the requirements is included in Chapter 3 and Appendix C.

Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Proposition 50)

California voters approved the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Proposition 50; Water Code, § 79500 et seq.) in the November 2002 elections. The initiative provides for more than \$3.4 billion of funding, subject to appropriation by the Legislature, for a number of land protection and water management activities.

Several chapters of Proposition 50 allocate funds for specified water supply and water quality projects, including:

- Chapter 3 Water Security. Provides \$50 million to protect State, local, and regional drinking water systems from terrorist attack or deliberate acts of destruction or degradation.

- Chapter 4 Safe Drinking Water. Provides \$435 million for grants and loans for infrastructure improvements to meet safe drinking water standards.
- Chapter 5 Clean Water and Water Quality. Provides \$390 million for a number of water quality and environmental improvements.
- Chapter 6 Contaminant and Salt Removal Technologies. Provides \$100 million for desalination of ocean or brackish waters as well as treatment and removal of contaminants.
- Chapter 7 California Bay-Delta program. Provides \$825 million for continuing implementation of all elements of the program.
- Chapter 8 Integrated Regional Water Management. Provides \$500 million for many categories of water management projects that will protect communities from drought, protect and improve water quality, and reduce dependence on imported water supplies.
- Chapter 9 Colorado River. Provides \$70 million for canal-lining projects necessary to reduce water use and to meet commitments related to California's allocation of water from the Colorado River.